

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

JANIS ANN FORD, for the
ESTATE OF OSHAUN FORD,

Plaintiff,

v.

Case No.

DELTA BUS LINES and
MARTHA WILSON,

Defendants.

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE:

COME NOW the Defendant, Delta Bus Lines, Inc. (incorrectly named in the original style of the case as Delta Bus Lines) (“Delta Bus Lines”), by and through counsel, and respectfully aver as follows:

1. On September 21, 2022 Plaintiff Oshaun Ford (“Plaintiff”) commenced a civil action against Defendants in the Circuit Court for Shelby County, Tennessee (“Complaint”). The Complaint and Summonses are attached hereto as collective **Exhibit A**. The caption of the Complaint was “*Janis Ford for the Estate of Oshaun v. Delta Bus Lines and Martha Wilson*”. However, the allegations within the body Complaint identify Oshaun Ford as the Plaintiff, and contain no allegations concerning Janis Ann Ford or the Estate of Oshaun Ford.

2. Plaintiff filed his first Amended Complaint on October 13, 2022 (“First Amended Complaint,” attached hereto as **Exhibit B**).

3. On October 14, 2022, Plaintiff filed his second Amended Complaint (“Second Amended Complaint,” attached hereto as **Exhibit C**).

4. The Complaint, being the original process in this case, was first received by Defendant Delta Bus Lines no earlier than October 13, 2021; and by Defendant Martha Wilson no earlier than October 6, 2022.

5. This personal-injury lawsuit arises out of an automobile accident alleged to have occurred on Brooks Road, near the on-ramp to Interstate 55, which is located within the boundaries of Shelby County, Tennessee. See Ex. A, Second Amend. Compl. at ¶ 11.

6. Plaintiff seek damages in the amount of three hundred and fifty thousand dollars (\$300,000.00). See Ex. A, Second Amend. Compl. at page 5.

7. At all times material hereto, Plaintiff was and is a resident of the State of Tennessee. See Ex. A, Compl. at 1.

8. At all times material hereto, Defendant, Martha Wilson, was and is a citizen and resident of the State of Mississippi. See Ex. A, Second Amend. Compl. at ¶ 2.

9. At all times material hereto, Defendant Delta Bus Lines was and is a for-profit corporation formed and incorporated under the laws of the State of Mississippi with its principal place of business in Mississippi. See Ex. C. A. Second Amend. Compl. at ¶ 3.

10. Diversity of citizenship within the meaning of 28 U.S.C. § 1332 exists in this case since:

- (a) Plaintiff Oshaun was and is citizen and resident of the State of Tennessee;
- (b) Defendant Martha Wilson was and is a resident of the State of Mississippi.
- (c) Defendant Delta Bus Lines was and is a for profit corporation formed and incorporated under the laws of the State of Mississippi with its principal place of business in Mississippi.

11. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that Defendants are entitled to removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

12. Additionally, jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 since, based on the nature of the injuries alleged by Plaintiff in the Complaint along with Plaintiff's prayer for relief in the amount of \$300,000.00, the amount in controversy clearly exceeds the jurisdictional threshold of \$75,000.00.

13. It has been less than thirty (30) days since Defendant Martha Wilson was served with the Summons and Complaint.

14. Defendants Delta Bus Lines and Martha Wilson desire and consent to the removal the above-captioned action, now pending in the Circuit Court of Shelby County, Tennessee, to this Honorable Court pursuant to 28 U.S.C. § 1446.

WHEREFORE, Defendant Delta Bus Lines prays that the above-captioned action, now pending in the Circuit Court Shelby County, Tennessee, be removed to this Honorable Court.

Respectfully submitted,

s/ Samuel M. Fargotstein

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*Attorneys for Defendants Martha Wilson. and Delta
Bus Lines, Inc*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon the below-listed counsel this 25th day of October, 2022, by first-class mail, postage prepaid via electronic mail, and via the Court's Electronic Case Filing system:

Donna J. Armstard, Esq.
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Attorney for Plaintiff Oshaun Ford

s/ Samuel M. Fargotstein